IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUIT NO. 1505 OF 1988

The Board of Trustees of the
Port of Bombay. ... Plaintiffs.

V/s.

M/s. Arvind Exports Pvt. Ltd. & Another. ... Defendants.

Mr. Dolly Katkoria i/b. Motiwala & Co. for the Plaintiffs.

None for the Defendents.

.....

CORAM : DR. D.Y. CHANDRACHUD,J.

14TH SEPTEMBER, 2006.

P.C. :

1. The suit has been instituted by the Board of Trustees of the Port of Mumbai for the recovery of an amount of Rs.79,783.75 towards wharfage and demurage charges together with further interest at the rate of 15% per annum on the principal sum of Rs.71,683.75 from the date of the institution of the suit till payment or realization and for costs of the suit.

2. The Defendents have not filed their written statement in the suit which has been instituted in 1988. A decree has already been passed against the second Defendant on 12th March 1990. In so far as the first Defendant is concerned, by an order dated 25th August 2006, the Suit was directed to proceed for want of written statement.

3. The Plaintiffs have filed an affidavit in lieu of the examination-in-chief of the Assistant Docks Manager. A compilation of the documents has been tendered and is taken on record. The claim in the suit stands proved. Accordingly, the suit stands decreed in the amount of Rs.79,783.75. The Plaintiffs are entitled to interest on the principal sum of Rs.71,683.75 at the rate of 9% per annum from the date of the institution of the Suit till payment or realisation and to the costs of the suit.